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Patricia Ohle

From: OHLE III JOHN B (40824424)
Sent Date: Wednesday, August 15, 2012 1:48 PM
To: patty.ohle@mac.com
Subject: Additional extension request to Peck

August 14, 2012

BY MAIL

The Honorable Andrew J. Peck
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: John B. Ohle, III v. United States of America
12 Civ. 1908 (AJP)
S3 08 Cr. 1109 (JSR)

Dear Magistrate Judge Peck:

Petitioner respectfully submits this letter to request an additional extension of time within which to respond to the papers submitted by U.S. Assistant Attorney Stanley Okula in opposition to Petitioner's motion pursuant to 28 U.S.C. 2255. For the reasons set out below, Petitioner requests that he be permitted until September 15, 2012.

1. The Original Extension

On July 29, 2012, Petitioner requested a 45 day extension of time to file a rebuttal to the Government's Memorandum in opposition to his motion pursuant to 28 U.S.C. 2255. On August 3, 2012, your Honor granted an initial extension through August 20, 2012 but also provided that when counsel appears, they may seek additional time.

2. Petitioner's Attempt to Obtain Counsel

Pursuant to an agreement with J.P. Morgan Chase & Co. ("Chase"), Petitioner was entitled to advancement of one-half of his attorneys' fees. Chase has refused to honor its obligations under the agreement and Delaware state law. On or about August 14, 2012, Petitioner filed a lawsuit in the Civil District Court for the Parish of Orleans in the State of Louisiana in Ecetra N. Ames v. Bank One n/k/a J.P. Morgan Chase & Co., John B. Ohle, III, Douglas Steger and Ken Brown, Case No. 11-440. A history of Petitioner's attempts to obtain counsel prior to indictment, post indictment and following the death of Petitioner's attorney, Stuart Abrams, is outlined in the attached portion of the Petition for Damages (see Exhibit 1).

Petitioner is currently attempting to retain Priya Chaudhry who has been in contact with your Honor's clerk. Petitioner is unable to retain Ms. Chaudhry without reimbursement of past due legal fees and costs by Chase and its advancement of one-half of Petitioner's legal fees.

3. Petitioner's Request for Counsel Pursuant to 18 U.S.C. 3006A(g)

On August 3, 2012, Petitioner filed an Application for the Court to Request Counsel Pursuant to 18 U.S.C. 3006A(g). Due to Chase's delays in responding to Petitioner's demands for reimbursement and advancement, Petitioner requested that this Court grant his request for counsel to represent him in these proceedings. Petitioner has not received any communication from this Court regarding his request to counsel pursuant to 18 U.S.C. 3006A(g) as of August 14, 2012.

4. No Prejudice to Government in Granting Additional Extension

MEMO ENDORSED 8/16/12

1. Request for appointment of counsel is DENIED.

2. Request for further extension is DENIED. There is no indication Ohle will

waive his right to close any time soon.

Having filed the \$2,000 petition, Ohle must proceed with it for damages of \$100,000 and a brief to defend the ADA 1/2 of \$12,000. The Court is not a "party lot" and Ohle has to seek extensions of time from the Court, where he can't get them from the

SO ORDERED:
Hon. Andrew J. Peck
United States Magistrate Judge

and attached to
Petitioner's
request for
counsel

Patricia Ohle

The granting of additional time to respond to the papers submitted by USAA Okula will not prejudice the Government in any manner. Petitioner is incarcerated, will remain incarcerated and the extended response date falls within the prescriptive time period to file the initial motion pursuant to 2255.

The failure of Petitioner to be afforded counsel will, however, greatly prejudice Petitioner's ability to respond to the Government's opposition. Petitioner's case involved more than six million (6,000,000) documents that were never properly reviewed prior to trial. Due to his incarceration, Petitioner does not have access to these documents. Accordingly, on August 8, 2012, Petitioner filed a Request for Release from Non-Disclosure Agreement and Request for Order for Defendant's ability to View Discovery with Judge Jed Rakoff.

Further, due to Petitioner's incarceration, Petitioner is not able to timely respond to USAA Okula's allegations such as "This claim [that Abrams failed to obtain any useful work product from consultants] is nothing more than Ohle's bald assertion - devoid of even the most basic information such as the identity of the consultants." Petitioner requires counsel to respond to the litany of accusatory and incorrect statements by USAA Okula. As shown on attached Exhibit 2, Abrams paid US Legal Support \$1,293.75 on March 31, 2010 (download and install Concordance and user training); A.G. Reihhold \$7,100 on August 6, 2009; Cadillac Investigations \$355 on March 24, 2010 related to investigation of Steger (post trial Petitioner obtained evidence showing Steger lied repeatedly under oath); Citron Cooperman \$3,750 on April 16, 2010 and \$3,750 on May 4, 2010 (accountants who were to handle forensic accounting of monies); and, James Harkins \$2,500 on May 5, 2010 (private investigator).

Also, Petitioner needs counsel to facilitate obtaining affidavits supporting the facts in Petitioner's motion pursuant to 2255.

5. Petitioner's Request

Given the foregoing history, and the extremely important issue of representation, Petitioner respectfully requests an additional extension of time until September 15, 2012 to submit Petitioner's reply to USAA Okula's opposition to Petitioner's motion pursuant to 28 U.S.C. 2255.

Thank you for considering this request.

Respectfully submitted,

John B. Ohle, III, Pro Se
#40824-424
FPC Pensacola
P.O. Box 3949
Pensacola, FL 32516

cc: Chambers of Judge Andrew J. Peck (see attached Certificate of Service)
USAA Stanley Okula (see attached Certificate of Service)

ECF TRANSCRIPTION SHEET



ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: August 16, 2012

Total Number of Pages: 3

TRANSCRIPTION OF MEMO ENDORSED ORDER

1. Request for appointment of counsel is DENIED.
2. Request for further extension is DENIED. There is no indication Ohle will resolve his dispute with Chase anytime soon. Having filed this § 2255 petition, Ohle must proceed with it (or dismiss it without prejudice and re-bring it before the AEDPA 1 year S/L expires). The Court is not a "parking lot" and Ohle seems to seek extensions to get counsel, which he can't get because of his problems with Chase.

Copies to: John B. Ohle, III (Mail) (& Email to his Wife)
Stanley J. Okula, Jr., Esq. (ECF)
Nanette L. Davis, Esq. (ECF)
Judge Jed S. Rakoff